

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
Eastern Division**

THOMAS W. DURKIN, as Special
Administrator of the Estate of MARY V.
DURKIN,

Plaintiff,

v.

BAYER CORPORATION, BAYER
PHARMACEUTICALS
CORPORATION, BAYER
HEALTHCARE LLC, and BAYER A.G.,

Defendants.

Civil Action No. 1:07-cv-07162

**NOTICE OF DEFENDANTS' UNOPPOSED MOTION TO STAY PROCEEDINGS
PENDING TRANSFER TO MULTIDISTRICT LITIGATION**

PLEASE TAKE NOTICE that on February 7, 2008 at 11:00 am, or as soon thereafter as they may be heard, Defendants Bayer Corporation, Bayer Pharmaceuticals Corporation,¹ and Bayer HealthCare LLC shall present their UNOPPOSED MOTION TO STAY PROCEEDINGS PENDING TRANSFER TO MULTIDISTRICT LITIGATION before the Honorable Blance M. Manning in Courtroom 2125, Dirksen Federal Building, 219 South Dearborn, Chicago, Illinois 60604. A copy of this motion is hereby served on counsel for plaintiff.

¹ Effective January 1, 2008, Bayer Pharmaceuticals Corporation was merged with and into Bayer HealthCare Pharmaceuticals Inc. and ceased to exist as a separate entity. At this time, Bayer Pharmaceuticals Corporation continues as a defendant in this action. See Fed. R. Civ. P. 25(c).

February 4, 2008

Defendants

By: /s/ Craig A. Knot
One of Their Attorneys

Eugene A. Schoon (eschoon@sidley.com)

Craig A. Knot (cknot@sidley.com)

Elizabeth C. Curtin (ecurtin@sidley.com)

Gretchen M. Paine (gpaine@sidley.com)

Sidley Austin LLP

One South Dearborn Street

Chicago, Illinois 60603

Phone: (312) 853-7279

Fax: (312) 853-7036

Steven E. Derringer (steven.derringer@bartlit-beck.com)

Bartlit Beck Herman Palenchar & Scott LLP

54 West Hubbard Street

Suite 300

Chicago, Illinois 60610

Phone: (312) 494-4415

Fax: (312) 494-4440

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing NOTICE OF MOTION relating to DEFENDANTS' UNOPPOSED MOTION TO STAY PROCEEDINGS PENDING TRANSFER TO MULTIDISTRICT LITIGATION were mailed or electronically delivered through this Court's Electronic Filing System on this 4th day of February, 2008, to the following counsel of record and that consent for electronic delivery was received from all counsel of record who were electronically served:

Jeffrey B. Sussman
Sussman Selig & Ross
One East Wacker Drive, Ste. 3650
Chicago, IL 60601
Telephone: (312) 977-4000
jbs@ssrlaw.com

Paul J. Napoli
Marc Jay Bern
Christopher R. LoPalo
Napoli Bern & Associates, LLP
3500 Sunrise Highway, Ste. T-207
Great River, NY 11739
Telephone: (212) 267-3700

/s/ Craig A. Knot
Craig A. Knot